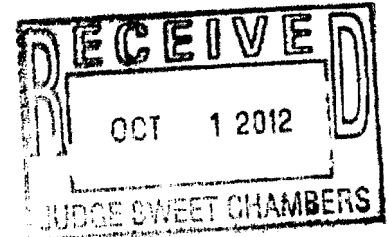**◖ SCHIFF HARDIN**LLP

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September 26, 2012

VIA FACSIMILE: 212-805-7925

Honorable Robert W. Sweet
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

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OCT 1 2012
JUDGE SWEET CHAMBERS

  Re: *TouchTunes Music Corp. v. Arachnid, Inc.*, Civ. No. 07-cv-11450
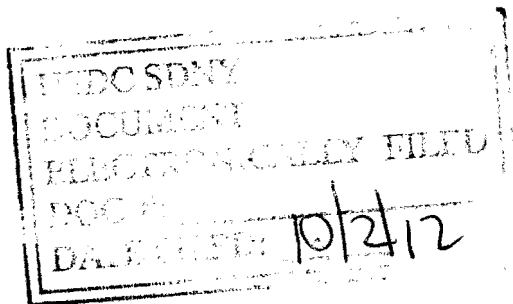   Client/Matter No. 28235-003

Dear Judge Sweet:

  We are counsel for Defendant and Counterclaimant Arachnid, Inc. in the above-captioned case.

  On August 7, 2012, the Court entered a scheduling order setting expert discovery to close on September 18, 2012 and dispositive motions due on October 16, 2012. The parties and Court did not address the schedule for submissions of pre-trial materials at the May 16, 2012 conference that preceded the Court's August 7 Order.

  It is not clear to the parties whether, pursuant to the Individual Judge's Rules, pretrial materials are due 30 days from close of discovery, making them due on October 18, 2012. To conserve the parties' and Court's resources, the parties agreed to and jointly request the Court to schedule the date for pretrial submissions for 30 days after a decision is rendered on all summary judgment motions. This way, should the scope of the case be narrowed by motion practice, only those issues remaining to be tried will be addressed in the pretrial submissions of the parties. A Word version of a stipulated request and proposed order is being simultaneous sent to the clerk's office per the requirements of the local rules.

  The parties are available should the Court wish to address this matter be telephone or hearing.

USDC SDNY
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ELECTRONICALLY FILED
DOC #
DATE FILED: 10/2/12

So ordered
Sweet USDJ
10-1-12

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◗ SCHIFFHARDINLLF

Honorable Robert W. Sweet
September 26, 2012
Page 2

Respectfully submitted,

/s James E. Hanft /

Schiff Hardin LLP by

James E. Hanft

Counsel for Defendant and Counterclaimant
Arachnid, Inc.

cc: Joseph Presta, counsel for TouchTunes (via e-mail)

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